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Counsel for 6060 Armor Road, LLC

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF NEW YORK**

	)	Chapter 11
)	
	)	Case No. 19-76260 (AST)
In re:	)	Case No. 19-76263 (AST)
	)	Case No. 19-76267 (AST)
Absolut Facilities Management, LLC, <i>et al.</i>,	)	Case No. 19-76268 (AST)
	)	Case No. 19-76269 (AST)
Debtors. ¹	)	Case No. 19-76270 (AST)
	)	Case No. 19-76271 (AST)
	)	Case No. 19-76272 (AST)
)	
	)	(Jointly Administered)
6060 ARMOR ROAD, LLC,)	
)	
Plaintiff,)	
)	
v.	)	Adversary Proceeding No. 19-08121
)	
ABSOLUT FACILITIES MANAGEMENT, LLC)	
and ABSOLUT CENTER FOR NURSING AND)	
REHABILITATION AT ORCHARD PARK, LLC)	
)	
Defendants.)	

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Absolut Facilities Management, LLC (1412); Absolut Center for Nursing and Rehabilitation at Allegany, LLC (7875); Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC (8266); Absolut Center for Nursing and Rehabilitation at Gasport, LLC (8080); Absolut at Orchard Brooke, LLC (1641); Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (8300); Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC (8133); and Absolut Center for Nursing and Rehabilitation at Westfield, LLC (7924) (collectively, the "Debtors").

**PLAINTIFF’S APPLICATION FOR THE ENTRY OF ORDERS GRANTING A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
ENJOINING DEFENDANTS FROM IMPLEMENTING UNAPPROVED PLAN
OF CLOSURE PRIOR TO APPROVAL UNDER 11 U.S.C. § 363**

6060 Armor Road, LLC (“Plaintiff”), by and through its attorneys, Arent Fox LLP, submits this application (the “Application”) against defendants Absolut Facilities Management, LLC and Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (collectively, the “Defendants”) seeking the entry of Orders under section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”) and Rule 7065 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) (a) temporarily restraining the Defendants from taking any steps or proceeding in any way to implement a plan of closure (the “Closure Plan”) with respect to the skilled nursing facility located at 6060 Armor Road, Orchard Park, New York 14127 (the “Orchard Park Facility”) prior to this Court’s approval thereof in violation of 11 U.S.C. § 363; and (b) granting a preliminary injunction enjoining the Defendants from proceeding in any way to implement the Closure Plan with respect to the Orchard Park Facility prior to this Court’s approval thereof in violation of 11 U.S.C. § 363. In support of its Application, Plaintiff submits (i) a Memorandum of Law in Support of the Application, (ii) the *Affidavit of Ira Smedra* in support of injunctive relief (the “Affidavit”)² and (iii) the declaration of counsel pursuant to Rule 9077-1 of the Local Rules for the Bankruptcy Court of the Eastern District of New York.

WHEREFORE, Plaintiff respectfully requests the entry of Orders granting the relief requested in the Application for the reasons stated in the Memorandum of Law and all other documents submitted contemporaneously herewith.

² Capitalized terms used but not otherwise defined herein shall have the meanings assigned such terms in the Affidavit.

Dated: New York, New York
September 23, 2019

ARENT FOX LLP

Counsel for 6060 Armor Road, LLC

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